IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

OP.No. 9262 of 2000(C)

PETITIONER:

M/S.INTERNATIONAL HOTEL,
M.G.ROAD, ERNAKULAM,
REP. BY ITS MANAGING PARTNER
SUNNY K. PETER.

BY ADV. SRI.N.JAMES KOSHY

RESPONDENTS:
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1. THE KERALA STATE ELECTRICITY BOARD,
REP. BY ITS SECRETARY, VYDYUTHI BHAVAN,
TRIVANDRUM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION (CENTRAL),
K.S.E.B., ERNAKULAM.

3. THE STATE OF KERALA, REP. BY
THE COMMISSIONER AND SECRETARY TO
GOVERNMENT OF KERALA, POWER DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

4. THE DIRECTOR, DEPARTMENT OF
TOURISM, TRIVANDRUM.

R1&2 BY ADV. SRI.C.K.KARUNAKARAN, SC, KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/03/2007, ALONG WITH OP NO. 5975 OF 2000 & OP NO. 12438 OF 2000, THE COURT ON 20/03/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.15462/2000 IN O.P. NO.9262/2000

DISMISSED:

20.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE PHOTOCOPY OF GOVERNMENT ORDER DT.11.7.86.

P2: .DO. DT.1.6.87.

P3: TRUE PHOTOCOPY OF BOARD ORDER DT.6.6.1987.

P4: TRUE PHOTOCOPY OF THE CERTIFICATE DT.26.6.1987.

P5: TRUE PHOTOCOPY OF BOARD ORDER DT.10.8.1987.

P6: TRUE PHOTOCOPY OF STAR CLASSIFICATION ORDER DT.15.7.97.

P7: TRUE PHOTOCOPY OF STATEMENT SHOWING ENERGY CHARGES.

P8: TRUE PHOTOCOPY OF BOARD ORDER DT.11.10.99.

P9: .DO.DT.8.11.99.

P10: TRUE PHOTOCOPY OF BOARD ORDER DT.20.12.99.

P11: TRUE PHOTOCOPY OF REPRESENTATION DT.17.11.99.

P12: TRUE PHOTOCOPY OF LETTER DT.15.2.2000.

P13: TRUE PHOTOCOPY OF INVOICE NO.126957 DT.15.3.2000.

P14: .DO. NO.125919 .DO.

P15: .DO. NO.126959 .DO.

P16: .DO. NO.126960 .DO.

P17: TRUE PHOTOCOPY OF ORDER IN CMP NO.10071/2000 IN O.P. NO.5975/2000 DT.25.2.2000.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. Nos.9262, 5975 & 12438 of 2000

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Dated this the 20th day of March, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KSEB. The main issue raised in these O.Ps. is against withdrawal of concessional tariff by Board order dated 15.5.1999. In a batch of Writ Appeals (W.A. No.975/2001 and connected cases) this court vide judgment dated 18.5.2005 upheld the decision of the Board to limit the concessional tariff for five years. Therefore, this issue stands decided against the petitioner. Counsel for the petitioner contended that the KSEB was not justified in raising separate bills under various connections because there was one High Tension connection provided to petitioner's hotel and therefore, only one bill should have been raised. I find these matters are raised for the first time during hearing. If petitioner has grievance against bills on any ground other than the tariff applicable which is covered by Division Bench judgment, petitioner is given freedom to file appeal against the bills. Six weeks time is granted from now to file appeals and if appeals are so filed, the appellate authority will hear the petitioner and dispose of the appeals without delay. The O.Ps. are disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms